
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	Adam G. Southam	
Appln. No.:	09/659,664	Confirmation No. 6127
Filing Date:	September 12, 2000	Examiner: Champagne, Donald
Title:	System for Transmitting Syndicated Programs Over the Internet	Group Art Unit: 3622

SECOND RESPONSE TO NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant (hereafter "Appellant") hereby submits a replacement Summary of Claimed Subject Matter (section 5) in response to the to the Notice of Non-Compliant Appeal Brief mailed April 16, 2009, in the above-captioned case.

SUMMARY OF CLAIMED SUBJECT MATTER

Many national television and radio programs are distributed to local broadcasting stations through an arrangement of syndication in the form of either live or recorded feeds. These feeds include program content with breaks for the insertion of local commercials, news highlights, station identification or other localized information. Under the syndication arrangement, the local television and radio stations purchase the national program content and may broadcast, or re-broadcast the program feed with inserted localized content to an agreed upon geographic area. Page 1, lines 7- 14.

Syndication agreements are founded on a simple principle: National content produced or hosted by entertainment industry superstars attract large audiences. Local stations do not have the resources to hire superstars and produce high-budget shows on their own so syndicators produce the big name shows and resell the feed, or content, to local stations for broadcast to an agreed upon geographic area. Local stations, in turn, purchase this content with the intent of attracting a large audience, which attracts a large base of advertisers, which creates a revenue stream to recoup the original cost of purchasing the syndicated content. To protect the purchaser's investment, syndicated shows are necessarily licensed to only one broadcaster in any given geographic market. Page 1, lines 25-24.

As technology progresses and media content distribution moves from traditional analog, radio frequency based broadcasts, to a digital, and inevitably, Internet based broadcast schemes, there is a need for allowing syndicated television and radio shows to be transmitted via the Internet while protecting the interests of the local stations purchasing syndicated content. The strength of a radio or television broadcast currently serves as an automatic enforcer of syndication agreements. Unlike Internet broadcast and distribution technology, radio and television signals have a range limited by output power and topography. The ever-increasing power of the Internet as a tool for distributing both audible and visual information is a strong catalyst for the inevitable convergence of the traditional television with the personal computer. Page 1, line 28 - page 2, line 7.

One contribution of the present application is the ability to preserve conventional broadcast agreements while distributing media packages over the Internet. Page 2, lines 26-28. In some embodiments, the integrity of the conventional broadcast agreements is preserved by selecting advertisements based in part on the distribution restrictions of the syndication broadcast agreements. Page 3, lines 7-15. At a conceptual level, the systems and methods of the present

claims dynamically build a media package based on who, i.e., the user localizing data, requested the media package in view of the distribution restrictions. Page 9, line 28 - page 10, line 3.

In some embodiments, the presently claimed subject matter refers to a system (FIG 2, page 8, line 15) for exposing Internet users to advertisements together with the distribution of syndicated media content that is subject to distribution restrictions (page 9, lines 12-14 and page 10, lines 5-7). This system includes a processor (FIG 2, 202 and page 9, line 16), a memory device coupled to the processor (FIG 2, 204 and page 9, line 16), and software (FIG 2, 203 and page 9, line 15) operable on the processor 202 and memory device 204. The software 203 causes the system to maintain a database of syndicated media content that is subject to distribution restrictions (page 10, lines 3-6, line 30, page 11, lines 1-2) and obtain a user specific set of data prior to distributing a media package to an Internet user (page 9, lines 17-19). The software means further causes the system to select a number of advertisements from a data bank containing a plurality of advertisements based on the user specific set of data in relation to the information representative of syndication broadcast agreements (page 9, lines 19-21) and combine the selected number of advertisements with a requested set of media content to form the media package (page 9, lines 23-25).

Thus, various embodiments provide systems and methods to expose Internet users to advertisements together with the distribution of media content in a manner which is germane to syndicated broadcast agreements. Abstract. These embodiments preserve geographic distribution boundaries defined in the syndicated broadcast agreements by identifying a relevant location of a user and providing geographically appropriate advertisements based on the user location and the syndicated broadcast agreements.

Independent Claims 1, 9, 19, 25, 30, 39, 45, 47, 48, 51, and 56 are supported by the accompanying specification as follows:

Claim 1 recites: "a processor," (*see, e.g.*, page 8, lines 15-19 and FIG 2, ref. 202) "a memory device coupled to the processor," (*see, e.g.*, page 8, lines 15-19 and FIG 2, ref. 204) "and software operable on the processor and memory device to cause the system to: maintain a database of syndicated media content, wherein the syndicated media content is subject to distribution restrictions;" (*see, e.g.*, page 8, line 15 – page 9, line 27, page 10, line 3-6, page 16, lines 21-26, FIG 2, ref. 203, and FIG 4, refs. 450, 455) "obtain a user specific set of data prior to distributing a media package to an Internet user, where the user specific set of data includes localizing data;" (*see, e.g.*, page 9, lines 28-29, page 11, lines 6-26, and page 13, lines 9-11)

“select a number of advertisements from a data bank containing a plurality of advertisements based on the localizing data of the user specific set of data and the syndicated media content distribution restrictions;” (*see, e.g.*, page 25, lines 17-22 and FIG 4, refs. 450, 485) “and combine the selected number of advertisements with a requested set of syndicated media content to form the media package” (*see, e.g.*, page 10, line 8 – page 11, line 2).

Claim 9 recites: “a processor,” (*see, e.g.*, page 8, lines 15-19 and FIG 2, ref. 202) “a memory device coupled to the processor,” (*see, e.g.*, page 8, lines 15-19 and FIG 2, ref. 204) “and software operable on the processor and memory device to cause the system to: maintain a database of syndicated media content, wherein the syndicated media content is subject to distribution restrictions represented in the database;” (*see, e.g.*, page 8, line 15 – page 9, line 27, page 10, line 3-6, page 16, lines 21-26, FIG 2, ref. 203, and FIG 4, refs. 450, 455) “obtain a user specific set of data, including localizing data, prior to distributing a media package;” (*see, e.g.*, page 9, lines 28-29, page 11, lines 6-26, and page 13, lines 9-11) “select a number of advertisements from a data bank containing a plurality of advertisements based on the user specific set of data, wherein selecting the number of advertisements includes selecting an appropriate geographic group of advertisements based on the obtained localizing data in relation to the distribution restrictions of the syndicated content;” (*see, e.g.*, page 9, lines 29-31, page 25, lines 17-22, and FIG 4, refs. 450, 485) “combine the selected number of advertisements with a requested set of media content to form the media package;” (*see, e.g.*, page 10, line 8 – page 11, line 2) and “distribute the media package” (*see, e.g.*, page 13, lines 15-16).

Claim 19 recites: “a processor,” (*see, e.g.*, page 8, lines 15-19 and FIG 2, ref. 202) “a memory device coupled to the processor,” (*see, e.g.*, page 8, lines 15-19 and FIG 2, ref. 204) “and software operable on the processor and memory device for: maintaining a database of information representative of distribution restrictions for syndicated media content;” (*see, e.g.*, page 8, line 15 – page 9, line 27, page 10, line 3-6, page 16, lines 21-26, and FIG 2, ref. 203) “obtaining a user specific set of data, including localizing data, prior to distributing a media package to an Internet user;” (*see, e.g.*, page 9, lines 28-29, page 11, lines 6-26, and page 13, lines 9-11) “selecting a number of advertisements from a data bank containing a plurality of advertisements based on the user specific set of data, wherein selecting the number of advertisements includes selecting an appropriate geographic group of advertisements based on the obtained localizing data and the information representative of the distribution restrictions for the syndicated media content;” (*see, e.g.*, page 9, lines 29-31, page 25, lines 17-22, and FIG 4,

refs. 450, 485) “combining the selected number of advertisements with a requested set of syndicated media content to form the media package;” (*see, e.g.*, page 10, line 8 – page 11, line 2) “and distributing the media package to the Internet user, wherein the requested set of syndicated media content includes a set of media content which has been previously distributed” (*see, e.g.*, page 12, lines 8-11).

Claim 25 recites: “a network including a regional broadcast station, an advertisement producer, a national producer of syndicated media content, and an Internet site adapted to distributing syndicated media content,” (*see, e.g.*, page 16, lines 5-9 and 21-25 and FIG 3, refs. 370, 380, 360, and 330) “a server, having processor and memory capabilities, operatively coupled to the network,” (*see, e.g.*, page 8, lines 15-19 and FIG 3, ref. 350) “and software operable on the server and network for: maintaining a database of information representative of distribution restrictions of syndication broadcast agreements for the syndicated media content;” (*see, e.g.*, page 8, line 15 – page 9, line 27, page 10, line 3-6, page 16, lines 21-26, and FIG 2, refs. 203) “obtaining localizing data on an Internet user, prior to distributing syndicated media content to the Internet user,” (*see, e.g.*, page 9, lines 28-29, page 11, lines 6-26, and page 13, lines 9-11) “selecting a number of advertisements from a data bank containing a plurality of advertisements based on the obtained localizing data and the distribution restrictions of the syndication broadcast agreements for the syndicated media content;” (*see, e.g.*, page 25, lines 17-22) “combining the selected number of advertisements with a set of syndicated media content to form a media package;” (*see, e.g.*, page 10, line 8 – page 11, line 2) “and distributing the media package to the Internet user” (*see, e.g.*, page 13, lines 15-16).

Claim 30 recites: “maintaining a database of information representative of distribution restrictions of syndication broadcast agreements,” (*see, e.g.*, page 10, line 3-6 and page 16, lines 21-26) “obtaining a user specific set of data prior to distributing a media package,” (*see, e.g.*, page 9, lines 28-29, page 11, lines 6-26, page 13, lines 9-11, and FIG 6, ref. 610) “selecting a number of advertisements from a data bank containing a plurality of advertisements based on the user specific set of data and the information representative of distribution restrictions of syndication broadcast agreements,” (*see, e.g.*, page 25, lines 17-22 and FIG 6, ref. 620) “combining the selected number of advertisements with a requested set of media content to form the media package,” (*see, e.g.*, page 10, line 8 – page 11, line 2 and FIG 6, ref. 630) “and distributing the media package” (*see, e.g.*, page 13, lines 15-16).

Claim 39 recites: “obtaining a user specific set of data, including localizing data, prior to distributing a media package,” (*see, e.g.*, page 9, lines 28-29, page 11, lines 6-26, page 13, lines 9-11, and FIG 7, ref. 710) “selecting a number of advertisements from a data bank containing a plurality of advertisements based on the user specific set of data, wherein selecting a number of advertisements includes: maintaining a database of information representative of syndication broadcast agreement distribution restrictions,” (*see, e.g.*, page 10, line 3-6 and page 16, lines 21-26) “selecting an appropriate geographic group of advertisements based on the obtained localizing data and to the information representative of syndication broadcast agreement distribution restrictions,” (*see, e.g.*, page 9, lines 29-31, page 25, lines 17-22, and FIG 7, ref. 720) “combining the selected number of advertisements with a requested set of media content to form the media package,” (*see, e.g.*, page 10, line 8 – page 11, line 2, and FIG 7, ref. 730) “and distributing the media package to an Internet user” (*see, e.g.*, page 13, lines 15-16 and FIG 7, ref. 740).

Claim 45 recites: “maintaining a database of information representative of media content distribution restrictions,” (*see, e.g.*, page 10, line 3-6 and page 16, lines 21-26) “obtaining a set of user specific set of data, including localizing data, prior to distributing a media package,” (*see, e.g.*, page 9, lines 28-29, page 11, lines 6-26, page 13, lines 9-11, and FIG 7, ref. 710) “selecting a number of advertisements from a data bank containing a plurality of advertisements based on the user specific set of data, wherein selecting the number of advertisements includes selecting an appropriate geographic group of advertisements based on the obtained localizing data and the information representative of the media content distribution restrictions,” (*see, e.g.*, page 9, lines 29-31, page 25, lines 17-22, and FIG 7, ref. 720) “combining the selected number of advertisements with a requested set of media content to form the media package,” (*see, e.g.*, page 10, line 8 – page 11, line 2, and FIG 7, ref. 730) “and distributing the media package, wherein the requested set of media content includes a set of media content which has been previously distributed” (*see, e.g.*, page 12, lines 8-11 and FIG 7, ref. 740).

Claim 47 recites: “maintaining a database of information representative of distribution restrictions for syndicated media content,” (*see, e.g.*, page 10, line 3-6 and page 16, lines 21-26) “obtaining localizing data on an Internet user requesting syndicated media content,” (*see, e.g.*, page 9, lines 28-29, page 11, lines 6-26, page 13, lines 9-11, and FIG 8, ref. 810) “selecting a number of advertisements from a data bank containing a plurality of advertisements based on the obtained localizing data, wherein selecting the number of advertisements includes selecting an

appropriate geographic group of advertisements based on the obtained localizing data and the information representative of the distribution restrictions for the syndicated media content,” (*see, e.g.*, page 9, lines 29-31, page 25, lines 17-22, and FIG 8, ref. 820) “combining the selected number of advertisements with a requested set of syndicated media content to form a media package,” (*see, e.g.*, page 10, line 8 – page 11, line 2 and FIG 8, ref. 830) “and distributing the media package to the Internet user” (*see, e.g.*, page 13, lines 15-16 and FIG 8, ref. 840).

Claim 48 recites: “maintaining a database of distribution restrictions for syndicated media content,” (*see, e.g.*, page 10, line 3-6 and page 16, lines 21-26) “obtaining localizing data on an Internet user requesting syndicated media content,” (*see, e.g.*, page 9, lines 28-29, page 11, lines 6-26, page 13, lines 9-11, and FIG 9, ref. 920) “and determining an appropriate source for distributing a media package, the media package including the requested media content and an appropriate geographic group of advertisements based on the obtained localizing data and the distribution restrictions for the syndicated media content” (*see, e.g.*, page 9, lines 29-31, page 25, lines 17-22, and FIG 9, ref. 930).

Claim 51 recites: “maintaining a database of syndicated content,” (*see, e.g.*, page 10, line 3-6 and page 16, lines 21-26) “maintaining data representative of syndication rights for the syndicated content in syndication markets,” (*see, e.g.*, page 9, lines 12-14, page 10, line 3-6, and page 16, lines 21-26) “maintaining a database of advertisements,” (*see, e.g.*, page 12, lines 12-17) “receiving a request for syndicated media content from a requestor,” (*see, e.g.*, page 13, lines 17-27 and page 25, lines 10-12) “obtaining requestor specific data,” (*see, e.g.*, page 9, lines 28-29, page 11, lines 6-26, page 13, lines 9-11, and FIG 7, ref. 710) “selecting advertisements from the database of advertisements based on the data representative of syndication rights and the requestor specific data,” (*see, e.g.*, page 9, lines 29-31, page 25, lines 17-22, and FIG 7, ref. 720) “and combining selected advertisements and requested content for distribution to the requestor” (*see, e.g.*, page 10, line 8 – page 11, line 2 and FIG 7, ref. 730).

Claim 56 recites: “a processor,” (*see, e.g.*, page 8, lines 15-19 and FIG 2, ref. 202) “a memory device coupled to the processor,” (*see, e.g.*, page 8, lines 15-19 and FIG 2, ref. 204) “and software operable on the processor for: maintaining a database of syndicated media content,” (*see, e.g.*, page 8, line 15 – page 9, line 27, page 10, line 3-6, page 16, lines 21-26, FIG 2, ref. 203, and FIG 4, refs. 450, 455) “maintaining data representative of distribution rights for the syndicated content in syndication markets,” (*see, e.g.*, page 9, lines 12-14, page 10, line 3-6, and page 16, lines 21-26) “maintaining a database of advertisements,” (*see, e.g.*, page 12, lines

12-17 and FIG 4, refs. 450, 485) “receiving a request for syndicated media content from a requestor;” (*see, e.g.*, page 13, lines 17-27 and page 25, lines 10-12) “obtain requestor specific data;” (*see, e.g.*, page 9, lines 28-29, page 11, lines 6-26, and page 13, lines 9-11) “selecting advertisements from the database of advertisements based on the data representative of distribution rights and the requestor specific data;” (*see, e.g.*, page 9, lines 29-31 and page 25, lines 17-22) “and combining advertisements and requested content for distribution to the requestor” (*see, e.g.*, page 10, line 8 – page 11, line 2).

REMARKS

Appellant respectfully requests consideration of this appeal by the Board of Patent Appeals and Interferences.

This response is being submitted on or before May 16, 2009, making this a timely response. It is believed that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment and notify us of same, to Deposit Account No. 04-1420.

Respectfully submitted,
DORSEY & WHITNEY LLP
Customer Number 25763

Date:

April 30, 2009

By:

Nathan J. Witzany
Nathan J. Witzany, Reg. No. 60,948
(612) 492-6862